

REMARKS/ARGUMENTS

Claims 1-21 were examined, with all other claims having been withdrawn pursuant to a restriction requirement. Claim 1 has been amended and all non-elected claims have been cancelled. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

The error in paragraph 46 of the specification has been corrected as suggested by the Examiner. Applicants apologize for the error.

Claims 1-9, 11-13, 15-17, and 19-20 were rejected as being anticipated by U.S. Patent No. 5,486,195 to Myers et al. Such rejections are traversed in part and overcome in part.

The Examiner asserts that Myers discloses a method for achieving hemostasis in a blood vessel comprising expanding a compression member within the tissue tract over the puncture in the blood vessel vault to promote hemostasis. Applicants respectfully disagree.

While Myers '195 is directed at achieving hemostasis in blood vessel punctures, the hemostasis is achieved by delivering a fiber glue to the vessel wall puncture, not by applying pressure to the tissue above the puncture as claimed in the present application.

As taught in the Myers '195 patent at various locations, the second balloon 54 of Myers is intended to debride the tissue, presumably to promote activity of the fiber glue, not to be left in place to apply tissue to promote hemostasis. Similar disclosure is found at Column 7, lines 57-65.

In order to further distinguish the teachings of Myers '195, however, Applicants have amended independent claim 1 to recite that the expansible element is positioned in the tissue tract and is expanded "to apply pressure" against the subcutaneous tissue "to promote hemostasis, wherein the expansible member is left in place until hemostasis has been achieved." Such a step of leaving the expansible member in place until hemostasis is achieved is contraindicated in Myers '195 where the second balloon is intended to debride the tissue prior to introduction of the fibrin glue and not to apply tissue for promoting hemostasis.

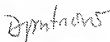
CONCLUSION

Applicants believe that independent claim 1, as well as well claims 2-21 dependent thereon are clearly in condition for allowance and request that the application be passed to issue an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,

James M. Heslin
Reg. No. 29,541


By: Douglas Portnow
Reg. No. 59,660

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JMH:rr/jke
61100757 v1